



PATENT

Attorney Docket No. 39766-0114

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application)	<u>PATENT APPLICATION</u>
)	
Inventor(s): Hans Koll, et al.)	
)	Art Unit: To Be Assigned
Application No.: 10/619,754)	
)	Examiner: To Be Assigned
Filed: July 14, 2003)	
)	
Title Methods for Identifying Tumors that are)	
Responsive to Treatment with Anti-ErbB2)	
Antibodies)	

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and foreign patent is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98. In accordance with the Office's waiver of the filing requirement under 37 CFR 1.98 (a)(2)(i), for all U.S. national patent applications filed after June 30, 2003, copies of U.S. patents or U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. The Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

- ☒ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- ☒ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage
-- OR --
- ☒ (3) It is being filed before the mail date of the first Office Action on the merits
-- OR --
- ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- ☐ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- ☐ a certification as specified in §1.97(e) is provided below; or
- ☐ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**
- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☒ **Fee Authorization.** The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Docket No. 39766-0114).

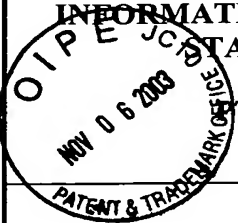
Respectfully submitted,

HELLER EHRMAN WHITE & MCAULIFFE LLP

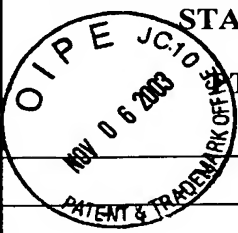
Dated: October 28, 2003

By: 
Ginger Dreger, Reg. No. 33,055

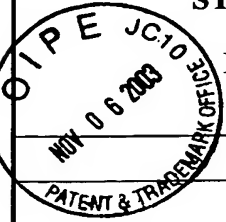
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			39766-0114		10/619,754		
			APPLICANT Hans Koll, et al.				
			FILING DATE July 14, 2003		GROUP: To Be Determined		
U.S. PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
	4,968,603	11/6/90	Slamon et al.	435	6		
	5,183,884	2/2/93	Kraus, et al.	536	23.5		
	5,480,968	2/2/96	Kraus, et al.	530	326		
	5,641,869	6/24/97	Vandlen et al.	530	413		
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	5,783,186	7/21/98	Arakawa	424	143.1		
	5,821,337	10/13/98	Carter et al.	530	387.3		
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	6,627,400	9/30/03	Singh et al.	435	6		
	2003/0096373	5/22/03	Majumdar et al.	435	70.21		
FOREIGN PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	599,274	11/23/93	EP	C12N	15/12	<input type="checkbox"/>	<input type="checkbox"/>
	WO 01/00245	1/4/01	PCT	A61K	47/48	<input type="checkbox"/>	<input type="checkbox"/>
	WO 94/00136	1/6/94	PCT	A61K	35/14	<input type="checkbox"/>	<input type="checkbox"/>
	WO 94/22478	10/13/94	PCT	A61K	39/395	<input type="checkbox"/>	<input type="checkbox"/>
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
	Aasland et al. "Expression of oncogenes in thyroid tumours: Coexpression of <i>c-erbB2/neu</i> and <i>c-erbB</i> " <i>Br. J. Cancer</i> 57:358-363 (1988)						
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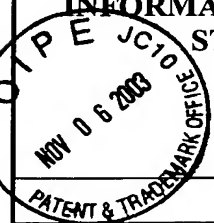
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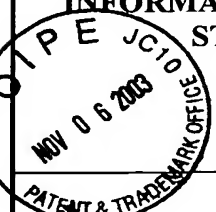
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	APPLICANT Hans Koll, et al.	
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
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